

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

WALTER L THOMPSON,

Plaintiffs,

vs.

Case No. CV99-TMP-1229-S

G. ALLEN MEIGHEN, JR.,
STEVE THOMAS, HANK WILEY,
PHIL LAIRD, JAMES W. WHITE,
STANLEY WADE,

Defendants.

Oct
ENTERED
NOV 24 1999

MEMORANDUM OPINION

On October 14, 1999, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that the plaintiff's claims against two judges and four lawyers be dismissed with prejudice. The magistrate judge reasoned that plaintiff's claim against the judges under 42 U.S.C. § 1983 was barred by the doctrine of judicial immunity, and that their motions to dismiss to that effect should be granted. Similarly, the magistrate judge concluded that plaintiff's claim against the four lawyer defendants, all of whom at one time or another acted as court-appointed guardians *ad litem* for plaintiff (see Complaint paragraphs A4, B1, B11, B16, B19, C1, C5, C8, D1, and D2), was due to be dismissed because they had not acted "under color of state law" as required for an action under § 1983.

Plaintiff (and his guardian and court-appointed guardian *ad litem*) filed objections to the report and recommendation on October 27, 1999. Although the case was originally assigned to the magistrate judge under the court's civil draw, the objections to the report and recommendation were forwarded to the undersigned for consideration. After consideration *de novo* of all matters in the

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court file, including the objections, they were overruled on November 9, 1999. Again, after having carefully reviewed and considered *de novo* all matters in the court file, including the motions to dismiss filed by the defendants, plaintiffs' responses to the motions, the magistrate judge's report and recommendation, and the objections to it, the court concludes that the report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. The defendants' motions to dismiss will be GRANTED and plaintiff's claims against them under 42 U.S.C. § 1983 will be DISMISSED WITH PREJUDICE. Any claims advanced under state law will be DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c).

A separate judgment will be entered.

DONE this the 24th day of November, 1999.


ROBERT B. PROPST
SENIOR DISTRICT JUDGE